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Letter dated 7 April 2005 from the Permanent Representative of Ecuador to the United Nations addressed to the Chairman of the Committee

In response to your note S/AC.44/2005/OC.2, I have the honour to transmit herewith the report of Ecuador on the steps taken to implement Security Council resolution 1540 (2004) (see annex).

(*Signed*) Mr. Jaime **Moncayo**
Permanent Representative

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Annex to the letter dated 7 April 2005 from the Permanent Representative of Ecuador to the United Nations addressed to the Chairman of the Committee

Report of Ecuador on the steps taken to implement Security Council resolution 1540 (2004)

Control of nuclear, chemical and biological weapons

1. Article 4 of the Act on the Manufacture, Import, Export, Sale and Possession of Weapons, Ammunition, Explosives and Related Materials provides, inter alia, for the "control of chemical products and items that may be used in, or adapted for chemical warfare". It is thus through this Act that Ecuador, as a State party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction ("Chemical Weapons Convention"), refrains from providing any form of support to non-State actors and exercises control over all activities designed to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in accordance with paragraph 1 of Security Council resolution 1540 (2004).

2. Although article 2 of the Act does not specifically prohibit the manufacture, acquisition, possession, development, transport, transfer or use of nuclear weapons, such weapons are provided for under the Act by virtue of their being weapons whose control, manufacture, import, export, sale and possession fall within the purview of the Ecuadorian Armed Forces under article 4 of the Act, which prevents the development of the aforementioned activities and their delivery systems.

Article 8 of the Act authorizes the Ministry of National Defence to prohibit the import, admission, export, transit or transfer of the items set forth in article 11, which includes weapons in general.

Article 4 specifically refers to chemical and biological weapons, while article 5 (d) authorizes the Armed Forces to control "chemical, flammable, asphyxiating, toxic and corrosive substances", and article 5 (e) authorizes the control of installations used for the manufacture, stockpiling, and sale of such items.

Section I, article 1, of the regulations for the Act, on "Objective and Scope", includes rules, governing "chemical products and items that may be used in, or adapted for, chemical warfare", while section I, article 2 stipulates that the Act applies to all individuals and legal entities that attempt to carry out such activities.

Lastly, article 6 of the Act, by expressly prohibiting "the possession of devices containing asphyxiating, tear-inducing, poisonous or paralysing gases", strictly controls such weapons.

3. Paragraph 3 of the resolution refers to the introduction of measures to establish controls at the domestic level. In this regard, the Combined Armed Forces Command has set up 17 weapons-control units, as well as border controls, to implement the provisions of the Act. However, support is needed in the form of resources, equipment and the staff-training for the prevention and control of nuclear, chemical and biological weapons and their delivery systems.

4. With respect to paragraph 6 of the resolution, the National Chemical Weapons Authority has developed lists of toxic chemical substances (lists 1, 2 and 3).

5. With respect to paragraph 7 of the resolution, it should be noted that, although Ecuador does have a law enabling it to control weapons, it would be helpful if States parties that have experience in the management of nuclear, chemical and biological weapons provided advice with a view to amending the regulations for the Act on the Manufacture, Import, Export, Sale and Possession of Weapons, Ammunition, Explosives and Related Materials (in effect according to *Official Gazette* No. 311 of 7 November 1980) with regard to the management of such weapons.

6. With respect to paragraph 8 of the resolution, the Ecuadorian State signed the Chemical Weapons Convention in Paris on 14 January 1993. The Convention was ratified by Ecuador at the United Nations on 6 September 1995 and entered into force in Ecuador on 29 April 1997. The decision to establish the National Chemical Weapons Authority, which is responsible for coordinating, at the national and international levels, all actions relating to the implementation of the Convention by Ecuador, was published in *Official Gazette* No. 61 of 9 May 1997.

7. Ecuador's participation, through the National Chemical Weapons Authority, in the various regional meetings organized by the Organization for the Prohibition of Chemical Weapons (OPCW) demonstrates its interest in the dialogue and cooperation on the non-proliferation of nuclear, chemical and biological weapons, as referred to in paragraph 9 of the resolution.

8. Article XI of the Chemical Weapons Convention, to which Ecuador is a State party, responds to the call set forth in paragraph 10 of the resolution. It stipulates the obligations of States parties regarding cooperation in the field of economic and technological development.